

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re: C&L DELLA VALLE XXVI, LLC

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Case No. 17-71578-PMB

Debtor(s)

CHAPTER 7 TRUSTEE'S FINAL ACCOUNT AND DISTRIBUTION
REPORT CERTIFICATION THAT THE ESTATE HAS BEEN FULLY
ADMINISTERED AND APPLICATION TO BE DISCHARGED (TDR)

S. Gregory Hays, chapter 7 trustee, submits this Final Account, Certification that the Estate has been Fully Administered and Application to be Discharged.

1) All funds on hand have been distributed in accordance with the Trustee's Final Report and, if applicable, any order of the Court modifying the Final Report. The case is fully administered and all assets and funds which have come under the trustee's control in this case have been properly accounted for as provided by law. The trustee hereby requests to be discharged from further duties as a trustee.

2) A summary of assets abandoned, assets exempt, total distributions to claimants, claims discharged without payment, and expenses of administration is provided below:

Assets Abandoned: \$0.00
(without deducting any secured claims)

Assets Exempt: N/A

Total Distributions to Claimants: \$1,348,706.23

Claims Discharged
Without Payment: N/A

Total Expenses of Administration: \$236,739.28

3) Total gross receipts of \$1,598,500.00 (see **Exhibit 1**), minus funds paid to the debtor and third parties of \$13,054.49 (see **Exhibit 2**), yielded net receipts of \$1,585,445.51 from the liquidation of the property of the estate, which was distributed as follows:

	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
SECURED CLAIMS (from Exhibit 3)	\$1,080,000.00	\$1,317,568.48	\$1,328,375.33	\$1,328,375.33
PRIORITY CLAIMS: CHAPTER 7 ADMIN. FEES AND CHARGES (from Exhibit 4)	\$0.00	\$236,739.28	\$236,739.28	\$236,739.28
PRIOR CHAPTER ADMIN. FEES AND CHARGES (from Exhibit 5)	\$0.00	\$0.00	\$0.00	\$0.00
PRIORITY UNSECURED CLAIMS (from Exhibit 6)	\$0.00	\$0.00	\$0.00	\$0.00
GENERAL UNSECURED CLAIMS (from Exhibit 7)	\$313,000.00	\$109,000.00	\$20,330.90	\$20,330.90
TOTAL DISBURSEMENTS	\$1,393,000.00	\$1,663,307.76	\$1,585,445.51	\$1,585,445.51

4) This case was originally filed under chapter 7 on 12/14/2017. The case was pending for 16 months.

5) All estate bank statements, deposit slips, and canceled checks have been submitted to the United States Trustee.

6) An individual estate property record and report showing the final accounting of the assets of the estate is attached as **Exhibit 8**. The cash receipts and disbursements records for each estate bank account, showing the final accounting of the receipts and disbursements of estate funds is attached as **Exhibit 9**.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Dated: 04/08/2019

By: /s/ S. Gregory Hays
Trustee

STATEMENT This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**EXHIBITS TO
FINAL ACCOUNT**

EXHIBIT 1 – GROSS RECEIPTS

DESCRIPTION	UNIFORM TRAN. CODE ¹	\$ AMOUNT RECEIVED
4570 Blackland Drive Marietta, GA 30067, Valuation Method: Zillow	1110-000	\$1,479,000.00
541 Fort Street NE Marietta GA 30060, Valuation Method: Zillow	1110-000	\$119,500.00
TOTAL GROSS RECEIPTS		\$1,598,500.00
¹ The Uniform Transaction Code is an accounting code assigned by the trustee for statistical reporting purposes.		

EXHIBIT 2 – FUNDS PAID TO DEBTOR & THIRD PARTIES

PAYEE	DESCRIPTION	UNIFORM TRAN. CODE	\$ AMOUNT PAID
C&L DELLA VALLE XXVI, LLC	Final distribution. Paid per TFR (Dkt No. 69) and NFR (Dkt No. 70)	8200-002	\$13,054.49
TOTAL FUNDS PAID TO DEBTOR & THIRD PARTIES			\$13,054.49

EXHIBIT 3 - SECURED CLAIMS

Claim NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6D)	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
	Cobb County Tax Commissioner	4700-000	NA	\$22,794.77	\$22,794.77	\$22,794.77
	Wellsley Park Homeowners Association, Inc.	4120-000	NA	\$1,062.00	\$1,062.00	\$1,062.00
1	AMF HOLDINGS, LLC	4110-000	\$1,000,000.00	\$1,223,359.55	\$1,233,514.50	\$1,233,514.50
2	ACLAIME CREDIT STRATEGIES FUND, LP	4110-000	\$60,000.00	\$70,352.16	\$71,004.06	\$71,004.06
N/F	Cobb County Tax Commissioner	4110-000	\$20,000.00	NA	NA	NA
	TOTAL SECURED		\$1,080,000.00	\$1,317,568.48	\$1,328,375.33	\$1,328,375.33

EXHIBIT 4 – CHAPTER 7 ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Trustee, Fees - S. Gregory Hays	2100-000	NA	\$70,813.37	\$70,813.37	\$70,813.37
Trustee, Expenses - S. Gregory Hays	2200-000	NA	\$306.62	\$306.62	\$306.62
Accountant for Trustee, Fees - Hays Financial Consulting, LLC	3310-000	NA	\$7,320.00	\$7,320.00	\$7,320.00
Accountant for Trustee, Expenses - Hays Financial Consulting, LLC	3320-000	NA	\$42.99	\$42.99	\$42.99
Costs re Sale of Property - Cammie Della Valle	2500-000	NA	\$4,741.12	\$4,741.12	\$4,741.12
Costs re Sale of Property - Cobb County Water System	2500-000	NA	\$113.88	\$113.88	\$113.88
Costs re Sale of Property - Manuela Condado	2500-000	NA	\$700.00	\$700.00	\$700.00
Costs re Sale of Property - Robin Blass	2500-000	NA	\$379.00	\$379.00	\$379.00
Costs re Sale of Property - Wellsley Park Homeowners Association, Inc.	2500-000	NA	\$158.22	\$158.22	\$158.22
Banking and Technology Service Fee - Rabobank, N.A.	2600-000	NA	\$1,347.43	\$1,347.43	\$1,347.43
Other State or Local Taxes (post-petition) - City of Marietta	2820-000	NA	\$216.69	\$216.69	\$216.69
Other State or Local Taxes (post-petition) - Cobb County Tax Commissioner	2820-000	NA	\$4,485.46	\$4,485.46	\$4,485.46
Attorney for Trustee Fees (Other Firm) - Arnall Golden Gregory LLP	3210-000	NA	\$49,582.00	\$49,582.00	\$49,582.00
Attorney for Trustee Expenses (Other Firm) - Arnall Golden Gregory LLP	3220-000	NA	\$622.50	\$622.50	\$622.50
Realtor for Trustee Fees (Real Estate Commissions) - Berkshire Hathaway	3510-000	NA	\$3,585.00	\$3,585.00	\$3,585.00
Realtor for Trustee Fees (Real Estate Commissions) - Coldwell Banker Residential Brokers	3510-000	NA	\$44,370.00	\$44,370.00	\$44,370.00
Realtor for Trustee Fees (Real Estate Commissions) - Engel & Voelkers North America	3510-000	NA	\$44,370.00	\$44,370.00	\$44,370.00
Realtor for Trustee Fees (Real Estate Commissions) - Phoenix Shelter Corp	3510-000	NA	\$3,585.00	\$3,585.00	\$3,585.00
TOTAL CHAPTER 7 ADMIN. FEES AND CHARGES		NA	\$236,739.28	\$236,739.28	\$236,739.28

EXHIBIT 5 – PRIOR CHAPTER ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
None					

EXHIBIT 6 – PRIORITY UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6E)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
None						

EXHIBIT 7 – GENERAL UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6F)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
3	Dr. Daniel McBrayer	7100-000	\$10,000.00	\$109,000.00	\$20,000.00	\$20,000.00
3I	Dr. Daniel McBrayer	7990-000	NA	NA	\$330.90	\$330.90
N/F	Cammie Della Valle	7100-000	\$250,000.00	NA	NA	NA
N/F	Charles Morgan	7100-000	\$2,000.00	NA	NA	NA
N/F	Domenico Della Valle	7100-000	\$4,000.00	NA	NA	NA
N/F	Dorian Asavoaei	7100-000	\$2,000.00	NA	NA	NA
N/F	Mitchell Mcbrayer	7100-000	\$45,000.00	NA	NA	NA
TOTAL GENERAL UNSECURED CLAIMS			\$313,000.00	\$109,000.00	\$20,330.90	\$20,330.90

Form 1

Individual Estate Property Record and Report
Asset Cases

Exhibit 8

Page: 1

Case No.: 17-71578-PMB

Case Name: C&L DELLA VALLE XXVI, LLC

Trustee Name: (300320) S. Gregory Hays

Date Filed (f) or Converted (c): 12/14/2017 (f)

§ 341(a) Meeting Date: 01/16/2018

For Period Ending: 04/08/2019

Claims Bar Date: 05/07/2018

1 Asset Description (Scheduled And Unscheduled (u) Property)		2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=§554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #						
1	4570 Blackland Drive Marietta, GA 30067, Valuation Method: Zillow	1,699,000.00	139,000.00		1,479,000.00	FA
2	541 Fort Street NE Marietta GA 30060, Valuation Method: Zillow	137,152.00	22,300.00		119,500.00	FA
2	Assets Totals (Excluding unknown values)	\$1,836,152.00	\$161,300.00		\$1,598,500.00	\$0.00

Major Activities Affecting Case Closing:

Initial Projected Date Of Final Report (TFR): 12/31/2019

Current Projected Date Of Final Report (TFR): 10/23/2018 (Actual)

Form 2

Exhibit 9
Page: 1

Cash Receipts And Disbursements Record

Case No.: 17-71578-PMB

Trustee Name:

S. Gregory Hays (300320)

Case Name: C&L DELLA VALLE XXVI, LLC

Bank Name:

Rabobank, N.A.

Taxpayer ID #: **-***9871

Account #:

*****8300 Checking

For Period Ending: 04/08/2019

Blanket Bond (per case limit): \$30,203,000.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
03/16/18	{2}	Great Southern Realty Capital LLC	Earnest Money Applied to sale of 541 Fort Street, Marietta per Order, Docket # 55.	1110-000	2,000.00		2,000.00
03/20/18		Campbell & Brannon IOLTA (Kimberly & John Keith)	Sale of 4570 Blackland Drive, Marietta, GA 30067 per Order, Docket # 40.		122,374.35		124,374.35
	{1}	Kimberly Keith and John Keith	Gross Sale Price. Sold per Order, Docket # 40. \$1,479,000.00	1110-000			124,374.35
		AMF HOLDINGS, LLC Brian Hall, c/o Smith, Gambrell & Russell, LL	Mortgage payoff paid per Order, Docket # 40. -\$1,233,514.50	4110-000			124,374.35
		Engel & Voelkers North America	Real Estate Commission paid per Order, Docket # 40. -\$44,370.00	3510-000			124,374.35
		Coldwell Banker Residential Brokers	Real Estate Commission paid per Order, Docket # 40. -\$44,370.00	3510-000			124,374.35
		Cobb County Tax Commissioner	2018 Property taxes paid per Order, Docket # 40. -\$4,422.16	2820-000			124,374.35
		Wellsley Park Homeowners Association, Inc.	Homeowner association lien paid per Order, Docket # 40. -\$1,062.00	4120-000			124,374.35
		Wellsley Park Homeowners Association, Inc.	Net 2018 Homeowner association dues paid per Order, Docket # 40. -\$158.22	2500-000			124,374.35
		Cobb County Water System	Water bill paid per Order, Docket # 40. -\$113.88	2500-000			124,374.35
		Cobb County Tax Commissioner	2017 property taxes paid per Order, Docket # 40. -\$22,794.77	4700-000			124,374.35
		Manuela Condado	Property clean up paid per Order, Docket # 40. -\$700.00	2500-000			124,374.35
		Robin Blass	Junk removal expense reimbursement paid per Order, Docket # 40. -\$379.00	2500-000			124,374.35
		Cammie Della Valle	Move out expenses paid per Order, Docket # 40. -\$4,741.12	2500-000			124,374.35
03/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		53.85	124,320.50

Page Subtotals: \$124,374.35 \$53.85

Form 2

Exhibit 9
Page: 2

Cash Receipts And Disbursements Record

Case No.: 17-71578-PMB

Trustee Name:

S. Gregory Hays (300320)

Case Name: C&L DELLA VALLE XXVI, LLC

Bank Name:

Rabobank, N.A.

Taxpayer ID #: **-***9871

Account #:

*****8300 Checking

For Period Ending: 04/08/2019

Blanket Bond (per case limit): \$30,203,000.00

Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
04/16/18		Campbell & Brannon IOLTA (Great Southern Realty Capital, Buyer)	Sale of 541 Fort Street, Marietta per Order, Docket # 55.		39,045.95		163,366.45
	{2}	Great Southern Realty Capital, LLC	Sale of 541 Fort Street, Marietta per Order, Docket # 55. \$117,500.00	1110-000			163,366.45
		City of Marietta	Real Property taxes paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$216.69	2820-000			163,366.45
		Cobb County Tax Commissioner	Real Property taxes paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$63.30	2820-000			163,366.45
		Phoenix Shelter Corp	Real Estate Commission paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$3,585.00	3510-000			163,366.45
		Berkshire Hathaway	Real Estate Commission paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$3,585.00	3510-000			163,366.45
		ACLAIM CREDIT STRATEGIES FUND, LP Brian Hall, c/o Smith, Gambrell & Russell, LL	First Mortgage paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. Check paid at closing to AMF Holdings per attorney for creditor. -\$71,004.06	4110-000			163,366.45
04/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		193.44	163,173.01
05/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		258.18	162,914.83
06/29/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		226.51	162,688.32
07/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		249.60	162,438.72
08/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		241.43	162,197.29
09/28/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		124.42	162,072.87
01/15/19	101	S. Gregory Hays	Trustee compensation and expenses paid per Order, Dkt # 74.			71,119.99	90,952.88
			Trustee compensation paid per Order, Dkt # 74.	2100-000			90,952.88

Page Subtotals: \$39,045.95 \$72,413.57

Form 2Exhibit 9
Page: 3**Cash Receipts And Disbursements Record****Case No.:** 17-71578-PMB**Trustee Name:** S. Gregory Hays (300320)**Case Name:** C&L DELLA VALLE XXVI, LLC**Bank Name:** Rabobank, N.A.**Taxpayer ID #:** **-***9871**Account #:** *****8300 Checking**For Period Ending:** 04/08/2019**Blanket Bond (per case limit):** \$30,203,000.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
			\$70,813.37				
			Trustee expenses paid per Order, Dkt # 74. \$306.62	2200-000			90,952.88
01/15/19	102	Arnall Golden Gregory LLP	Attorney fees and expenses paid per Order, Dkt # 74.			50,204.50	40,748.38
			Attorney fees paid per Order, Dkt # 74. \$49,582.00	3210-000			40,748.38
			Attorney expenses paid per Order, Dkt # 74. \$622.50	3220-000			40,748.38
01/15/19	103	Hays Financial Consulting, LLC	Accountant fees and expenses paid per Order, Dkt # 74.			7,362.99	33,385.39
			Accountant fees paid per Order, Dkt # 74. \$7,320.00	3310-000			33,385.39
			Accountant expenses paid per Order, Dkt # 74. \$42.99	3320-000			33,385.39
01/15/19	104	Dr. Daniel McBrayer	Final distribution plus interest. Paid per TFR (Dkt No. 69) and NFR (Dkt No. 70)			20,330.90	13,054.49
			Final distribution. Paid per TFR (Dkt No. 69) and NFR (Dkt No. 70) \$20,000.00	7100-000			13,054.49
			Interest on final distribution. Paid per TFR (Dkt No. 69) and NFR (Dkt No. 70) \$330.90	7990-000			13,054.49
01/15/19	105	C&L DELLA VALLE XXVI, LLC	Final distribution. Paid per TFR (Dkt No. 69) and NFR (Dkt No. 70)	8200-002		13,054.49	0.00

COLUMN TOTALS**163,420.30****163,420.30****\$0.00**

Less: Bank Transfers/CDs

0.00

0.00

Subtotal**163,420.30****163,420.30**

Less: Payments to Debtors

13,054.49**NET Receipts / Disbursements****\$163,420.30****\$150,365.81**

Form 2

Exhibit 9
Page: 4

Cash Receipts And Disbursements Record

Case No.: 17-71578-PMB **Trustee Name:** S. Gregory Hays (300320)
Case Name: C&L DELLA VALLE XXVI, LLC **Bank Name:** Rabobank, N.A.
Taxpayer ID #: **_***9871 **Account #:** *****8300 Checking
For Period Ending: 04/08/2019 **Blanket Bond (per case limit):** \$30,203,000.00
Separate Bond (if applicable): N/A

Net Receipts:	\$163,420.30
Plus Gross Adjustments:	\$1,435,079.70
Less Payments to Debtor:	\$13,054.49
Less Other Noncompensable Items:	\$0.00
Net Estate:	\$1,585,445.51

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****8300 Checking	\$163,420.30	\$150,365.81	\$0.00
	\$163,420.30	\$150,365.81	\$0.00